

REMARKS

Claims 1-18 were previously pending in the application, and Claims 7-8 and 15-16 are withdrawn. By the Amendment, Claim 9 is currently amended, Claims 1-8, 13 and 15-16 are canceled without prejudice, and Claims 10-12, 14 and 17 remain unchanged.

Applicants thank the Examiner for the telephone interview with Applicants' Attorney, Craig Loest, on April 6, 2006. The Examiner and Applicants' Attorney discussed the features of dependent Claim 18 and the German publication 90 14 463.5 (hereinafter "DE '463"). Applicants asserted that the features of dependent Claim 18 were not disclosed in DE '463, and the Examiner agreed to reconsider an amendment of independent Claim 9 to include the limitations of dependent Claim 18.

Claims 1-2 and 4-6 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 3,220,558 issued to Olsson (hereinafter "Olsson"). Claims 1-3 and 6 were rejected under 35 USC §102(b) as being anticipated by European publication 0 611 930 A2 (hereinafter "EP '930"). Claims 1-6, 9-14 and 17-18 were rejected under 35 USC §102(b) as being anticipated by German publication 90 14 463.5 (hereinafter "DE '463"). Claims 1-6 were rejected under 35 USC §102(b) as being anticipated by Japanese publication 2001-116439 (hereinafter "JP '439").

Independent Claim 9 recites a storage compartment for a refrigerator door, the storage compartment comprising: a box shaped body having a longitudinal wall and a given depth with a slot extending vertically within the longitudinal wall at least along a portion thereof; and a compartment divider having a rider extending downwardly spaced from a wall thereof located adjacent to said slot for being received within the slot for holding said compartment divider attached within said box shaped body, and said compartment divider defining a chamber for holding small items and extending over more than half of the given depth, wherein the compartment divider is defined by four connected walls which do not extend to a bottom of said box shaped body to define said chamber within the connected walls for holding items therein, and an open bottom for allowing items held therein to rest on a bottom of said box shaped body.

Applicants have amended Claim 9 to include all the limitations of dependent Claim 18. Claim 9 was also amended to include the phrase "within the connected walls"

to further clarify the chamber. Applicants' Attorney discussed this amendment with the Examiner during the above-mentioned telephone interview.

The DE '463 reference discloses a receptacle (20) having two formed parts (22) connected to a rear wall (24) of the receptacle (20). As shown in Fig. 2, the left formed part forms an enclosed divider (30) defining an inner region, and the right formed part forms a tongue divider (31) having a tongue extending outwardly from the rear wall (24). Fig. 3 illustrates a cross-sectional view of the enclosed divider (30), and Fig. 4 illustrates a cross-sectional view of the tongue divider (31). As shown in Fig. 3, the enclosed divider (30) includes a solid closed bottom beneath the inner region.

DE '463 does not disclose, among other things, a compartment divider "extending over more than half of the given depth, wherein the compartment divider is defined by four connected walls which do not extend to a bottom of said box shaped body to define said chamber within the connected walls for holding items therein, and an open bottom for allowing items held therein to rest on a bottom of said box shaped body," as recited in Claim 9. As described above, DE '463 disclose two separate dividers, the enclosed divider (30) and the tongue divider (31). Neither of these dividers (30, 31) disclose all the elements recited in Claim 9.

Regarding the enclosed divider (30), as shown in Fig. 2, the enclosed divider (30) does not extend "over more than half of the given depth" from the rear wall (24). In the Final Office action dated November 10, 2005, the Examiner identified the dimensional direction of "depth" as being viewed as the direction from a front of the body to a back of the body. Applicants agree with this interpretation of the "depth" dimension. When using this interpretation, the enclosed divider (30) does not extend "over more than half of the given depth," as recited in Claim 9. Therefore, the enclosed divider (30) of DE '463 does not disclose all the elements of Claim 9.

In addition, the enclosed divider (30) does not disclose "an open bottom for allowing items held therein to rest on a bottom of said box shaped body," as recited in Claim 9. As shown in Fig. 3, the enclosed divider (30) has a solid closed bottom. This closed bottom prevents items held within the divider (30) from resting on the bottom (29) of the receptacle (20). Therefore, the enclosed divider (30) of DE '463 does not disclose all the elements of Claim 9.

Regarding the tongue divider (31), as shown in Fig. 2, the tongue divider (31) does not disclose a compartment divider "defined by four connected walls which do not extend to a bottom of said box shaped body to define said chamber within the connected walls," as recited in Claim 9. The tongue divider (31) discloses a fin-shaped tongue member extending from a base portion connected to the rear wall (24). The tongue divider (31) does not disclose four connected walls defining the chamber within the connected walls. The tongue divider (31) does not disclose a "chamber" as recited in Claim 9. In addition, the tongue divider (31) does not disclose the chamber having "an open bottom" as recited in Claim 9. Therefore, the tongue divider (31) of DE '463 does not disclose all the elements of Claim 9.

For these and other reasons, DE '463 does not disclose the subject matter defined by independent Claim 9. Therefore, Claim 9 is allowable. Claims 10-12, 14 and 17 depend from Claim 9 and are allowable for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 9-12, 14 and 17 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



Craig J. Loest

Registration No. 48,557

April 7, 2006

BSH Home Appliances Corp.
100 Bosch Blvd
New Bern, NC 28562
Phone: 252-672-7930
Fax: 714-845-2807
email: craig.loest@bshg.com